



Adoption of the Point-of-Use / Point-of-Entry Water Treatment Devices Proposed Permanent Regulations

**State Water Resources Control Board
Division of Drinking Water**

**Board Meeting
6 February 2018 – Item 9**

Board Meeting

- Proposed resolution adopting the permanent regulations to govern the use of point-of-use (POU) and point-of-entry (POE) treatment devices for public water systems (PWSs) serving fewer than 200 service connections in lieu of centralized water treatment facilities

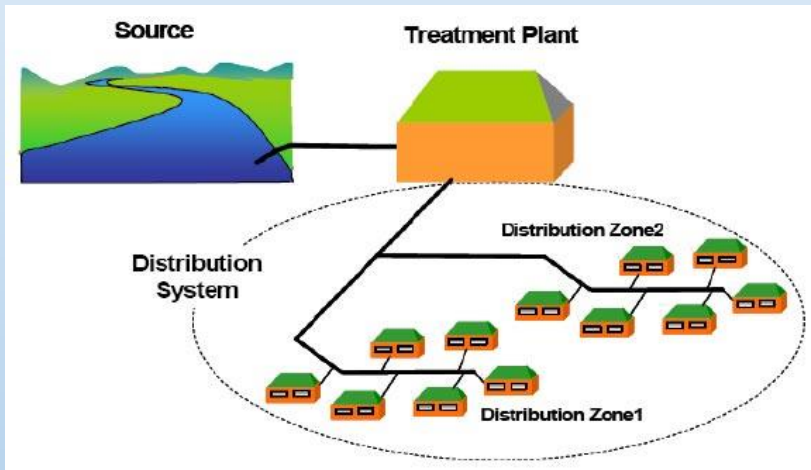
Permanent Regulations Schedule

- Public Workshops on Permanent Regulations – March 2017
- Public Comment Period –
 - 45-day comment period: October 13, 2017 – November 30, 2017
 - 15-day comment periods: January 3, 2018 – February 2, 2018
- APA Public Hearing – November 27, 2017
- Board Adoption – February 6, 2018
- *Effective Date of the Regulations – July 1, 2018*

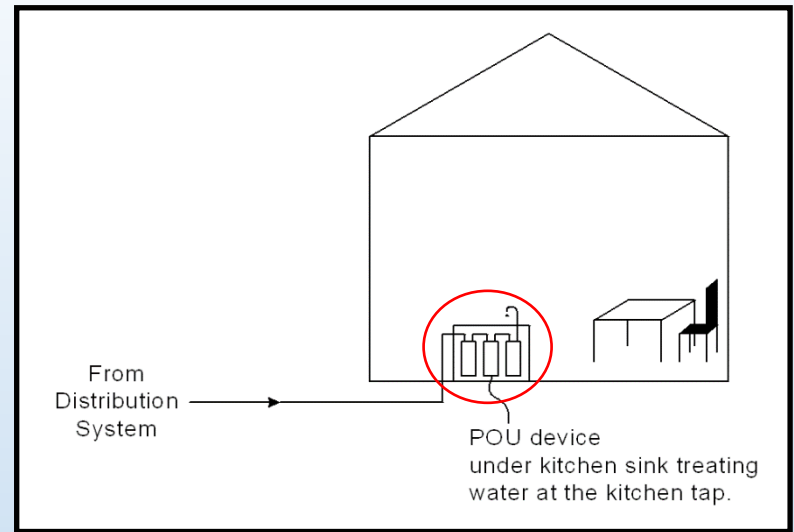
Presentation Outline

- Regulations for Adoption
 - Background on POU and POE Devices
 - Limits on Use of POU/POE Devices
 - Benefits of POU/POE Regulations
 - Basis of California's POU/POE regulations
 - Use of Emergency Regulations
 - Changes from Emergency Regulations
- Responses to Public Comments

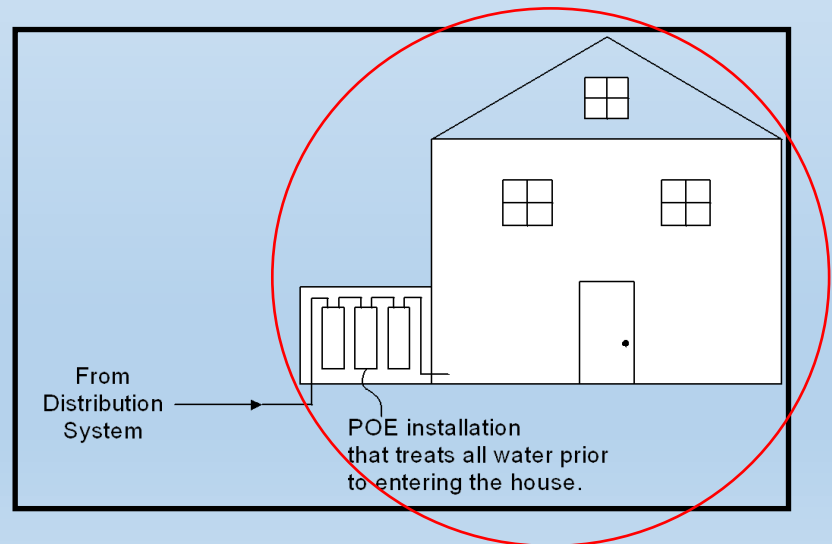
Background



Centralized Treatment



POU: Treats water at a **single tap**.



POE: Treats all water entering a **building**.

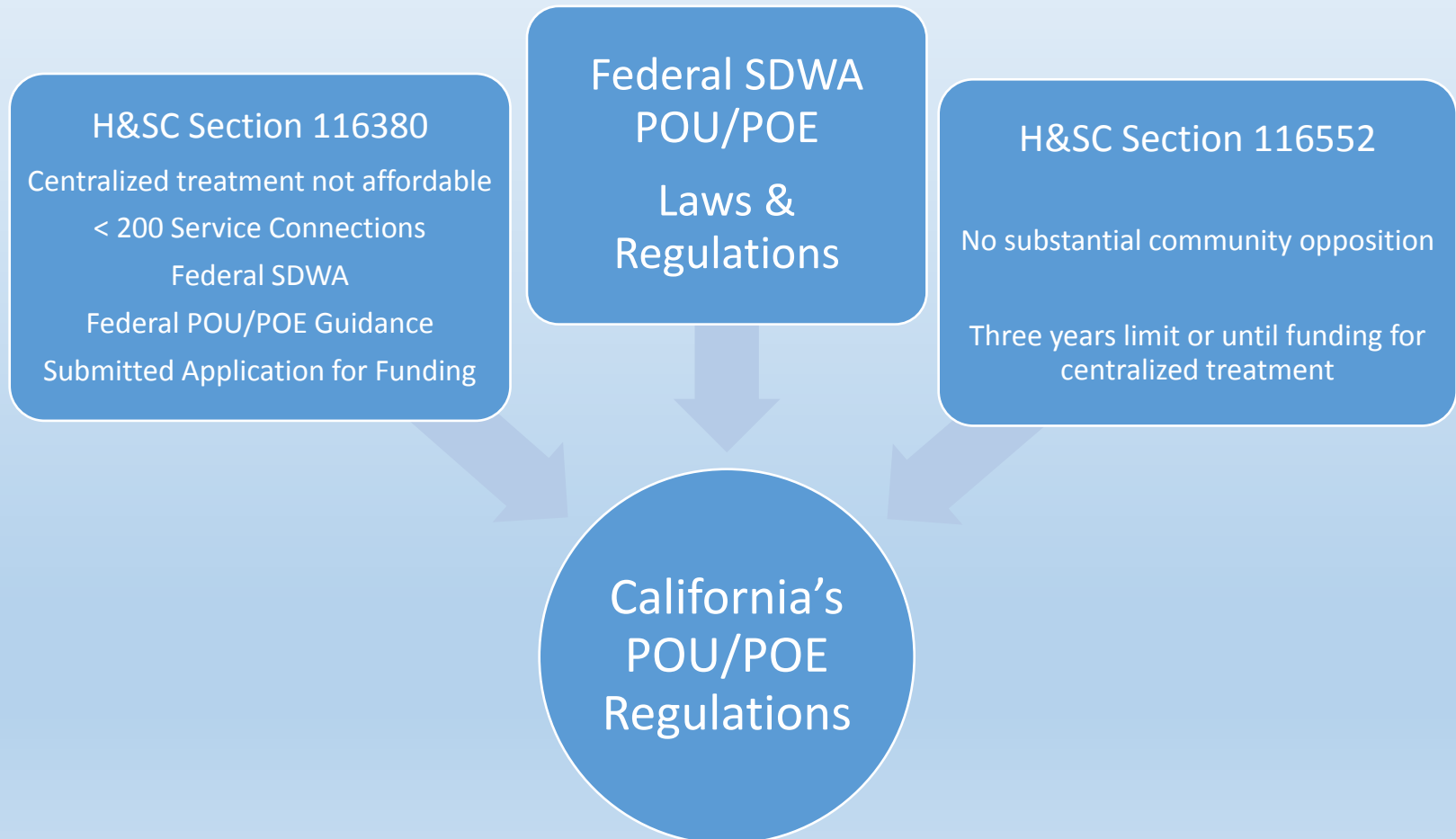
Benefits of POU/POE Regulations

- Comply with statutory requirements
- Flexibility in achieving compliance with regulations where otherwise economically infeasible
- Specify criteria to protect public health

POU/POE Laws and Regulations

- Health and Safety Code
 - AB 434 - October 9, 2015 – Amended Sections 116380 and 116552
 - Required the adoption of emergency and permanent regulations
 - POU and POE both subject to three years time limit for each permit or when funding for centralized treatment is available
- Regulations
 - Emergency regulations previously adopted 2010 (POU) and 2011 (POE), expired January 1, 2014
 - 2014-2015: Underlying law remained in place
 - April 1, 2016 – Emergency regulations in effect
 - January 1, 2018 – Emergency regulations expired

What is the makeup of California's POU/POE regulations?



Limits on Use of POU/POE Devices

Requirement

1. Public Water Systems (PWS) must have fewer than 200 service connections
[*Health and Safety Code (HSC) 116380*]
 - ~6,300 PWS with < 200 service connections, including:
 - 1,800 Community Water Systems
 - 3,000 Transient-Noncommunity Water Systems
 - 1,500 Nontransient-Noncommunity Water Systems
2. PWS must demonstrate that centralized treatment is not economically feasible
[*HSC 116380*]
3. POU's cannot be used for microbial, volatile organic compounds, or radon standards
[*U.S. Safe Drinking Water Act (SDWA); U.S. EPA guidance*]
4. PWS must have submitted application for funding
[*HSC 116380*]
5. PWS must demonstrate no substantial community opposition; must hold public hearing
[*HSC 116552*]

Limits on Use of POU/POE Devices

Requirement
6. POU/POEs must, generally, be third-party certified to applicable American National Standards Institute standard, if one exists [U.S. SDWA]
7. PWS must have programs/plans in place to assure safe and effective use of devices <ul style="list-style-type: none">• Operations and maintenance requirements• Customer notification• Alternate water supply [Health and Safety Code (HSC) 116380]
8. Treatment devices must be owned, controlled, and maintained by PWS [U.S. SDWA]
9. Devices must be equipped with mechanical warnings [U.S. SDWA]

Limits on Use of POU/POE Devices

Requirement
10. For POEs, every building connected to PWS must have a POE installed; rights and responsibilities of the customer convey with title upon sale of property [<i>40 CFR 141.100</i>]
11. For POU, the PWS must ensure that each residential or dwelling unit has a device installed in accordance with regulations [<i>U.S. SDWA</i>]
12. Permits for use of devices are limited to 3 years in duration, or until funding for centralized treatment is available, whichever comes first [<i>HSC 116552</i>]
13. At least 2 months of pilot testing
14. Additional monitoring

POU/POE Treatment Under Emergency Regulations

- December 2017 – >100 Water Systems implementing or considering POU/POE program
- Targeted contaminants vary
 - Arsenic and nitrate most common
 - Selenium, iron, manganese, fluoride, uranium, hexavalent chromium
- Used most by smallest systems
 - 95% of POU/POE programs for systems with <100 service connections

Changes from Emergency Regulations

- Emphasizes that a new proposed community water system cannot propose to use POU or POE treatment in lieu of centralized treatment to achieve compliance with SDWA
- Bases economic feasibility for community water systems on an evaluation of the annual cost of treatment and the community's annual median household income
- Clarifies and removes public hearing requirements for non-community water systems
- Requires water system to follow approved monitoring and operations and maintenance plans

Public Comments

- *APA Hearing—Oral Comments*
 - *One commenter*
- *Written Comments*
 - *Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action*
 - *Water Solutions Incorporated*
 - *City of Bakersfield*
 - *Helix Water District*
 - *San Francisco Public Utilities Commission*

Responses to Comments

- Limitations on POU/POE use for compliance purposes
- Challenge of gaining 100% participation
- Definition of “immediately economically feasible”
- Funding application demonstration limited to federal, state, or local (*i.e.*, public) agencies—would like private sources added as funding options
- Lack of POU/POE devices meeting ANSI standards for all regulated contaminants

Additional Information

- Point-of-Entry (POE) and Point-of-Use (POU) Treatment – proposed permanent regulations website
 - https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/

Questions?